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 Fresno CA 93711  
 559-226-4030  
 info@peterbbuntinglaw.com

Attorney for: HUERTA/MARTINEZ

**UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF CALIFORNIA**

|  |  |
|--|--|
| In re:<br>ROBERTO HUERTA AND<br>KRYSTYNA MARIA MARTINEZ,<br><br><div style="text-align: right;">Debtor(s)</div>    | <b><u>Bankruptcy Case No.:</u></b> 23-12433A-13F<br><b><u>Docket Control Number:</u></b> PBB-2<br><br><b><u>Hearing Information (if applicable):</u></b><br><br>Hearing Date: January 11, 2024<br>Hearing Time: 9:30 a.m.<br>Location: 2500 Tulare St Rm 11 Fresno 93721<br>Judge: Honorable Jennifer E. Niemann |
| v.<br><br><div style="text-align: right;">Plaintiff(s)</div><br><div style="text-align: right;">Defendant(s)</div> | <b><u>Adversary Proceeding No. (if applicable):</u></b><br><b><u>Docket Control Number:</u></b><br><br><b><u>Hearing Information (if applicable):</u></b><br><br>Hearing Date:<br>Hearing Time:<br>Location:<br>Judge:   |

**CERTIFICATE OF SERVICE OF  
 MOTION TO AVOID JUDICIAL LIEN OF CITIBANK, N.A. SUCCESSOR BY ACQUISITION OF  
 DEPARTMENT STORES NATIONAL BANK**

I, the undersigned, certify and declare:

1. **Personal knowledge.** I am over the age of 18 years and not a party to the above-entitled case.
2. **Status.** I am ☐ an attorney of record in this case/adversary proceeding, **or** ☐ trustee, **or** ☒ my business/employer is Peter B. Bunting \_\_\_\_\_ and my ☒ business address **or** ☐ mailing address if not a business is:  
2304 W. Shaw Ave #103 Fresno CA 93711 \_\_\_\_\_.
3. **About the Case/Proceeding.** (Check at least one type of case/proceeding and as many subheadings thereunder as applicable.)

|  |  |
|--|--|
| <input type="checkbox"/> <b>Chapter 7 case</b> (indicate below if subject to limited noticing; check all that are applicable.)<br><br><input type="checkbox"/> Rule 2002(h) Limited Noticing. Fed. R. Bankr. P. 2002(h); LBR 2002-3. (Check all that are applicable.)<br><br><input type="checkbox"/> One of the following applies: (1) This is a voluntary asset case and at least 70 days have elapsed since the order for relief; (2) This is an involuntary asset case and at least 90 days have elapsed since the order for relief; (3) This is a no asset case and at least 90 days have elapsed since the mailing of the notice of time for filing claims under Fed. R. Bankr. P. 3002(c)(5).<br><br><input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. Rule 2002(m). The order limiting service is docketed at ECF no. _____. | <input checked="" type="checkbox"/> <b>Chapter 12 or 13 case</b> (indicate below if subject to limited noticing; check all that are applicable.)<br><br><input type="checkbox"/> Rule 2002(h) Limited Noticing. This case is subject to limited noticing because at least 70 days have elapsed since the order for relief. Fed. R. Bankr. P. 2002(h); LBR 2002-3.7.<br><br><input type="checkbox"/> Rule 3015(h) Limited Noticing (post-confirmation plan modification only). This case is subject to limited noticing because the debtor(s) has confirmed at least one plan and the modified plan filed herewith neither lengthens the term of, nor diminishes the dividend due general unsecured creditors, from the most recently confirmed plan. Fed. R. Bankr. P. 3015(h); LBR 3015-1(d)(3).<br><br><input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. 2002(m). The order limiting service is docketed at ECF no. _____. |
| <input type="checkbox"/> <b>Chapter 9 case</b> (indicate below if subject to limited noticing)<br><br><input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. 2002(m). The order limiting service is docketed at ECF no. _____.  | <input type="checkbox"/> <b>Chapter 11 case</b> (indicate below if subject to limited noticing)<br><br><input type="checkbox"/> This case is subject to limited noticing because one or more creditors/equity holders committees have been appointed. Fed. R. Bankr. P. 2002(i); LBR 2002-4.<br><br><input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. 2002(m). The order limiting service is docketed at ECF no. _____.  |
| <input type="checkbox"/> <b>Chapter 15 case</b>  | <input type="checkbox"/> <b>Adversary Proceeding</b>   |

4. **About the Documents Served**

On November 28 \_\_\_\_\_, 2023, by the method(s) specified below, the following documents were served (list in space provided):

1. Notice of Hearing on Motion to Avoid Judicial Lien of Capital One, N.A. successor by acquisition of Department Stores National Bank
2. Motion to Avoid Judicial Lien of Capital One, N.A. successor by acquisition of Department Stores National Bank, 3. Declaration of Roberto Huerta in Support of Motion to Avoid Judicial Lien of Capital One, N.A. successor by acquisition of Department Stores National Bank, 4. Exhibits in Support of Motion to Avoid Judicial Lien of Capital One, N.A. successor by acquisition of Department Stores National Bank

**or** ☐ those documents described in the list appended hereto and numbered **Attachment 4**.

5. **Who is Being Served**

Unless otherwise indicated below, all indicated parties below have received all documents described in Section 4.

|   |   |
|---|---|
| <input type="checkbox"/> Debtor(s)<br><input type="checkbox"/> Debtor's attorney(s)<br><input checked="" type="checkbox"/> Trustee<br><input checked="" type="checkbox"/> U.S. Trustee<br><input type="checkbox"/> Attorneys of record who have appeared in the Bankruptcy Case, the Adversary Proceeding, or contested matter.<br><input type="checkbox"/> Plaintiff(s)<br><input type="checkbox"/> Defendant(s)<br><input type="checkbox"/> All committee members<br><input type="checkbox"/> Attorney for committee members<br><input type="checkbox"/> Equity security holders<br><input checked="" type="checkbox"/> Persons who have filed a Request for Notice | <input type="checkbox"/> All creditors and parties in interest (Notice of Hearing only)<br><input type="checkbox"/> Only creditors that have filed claims (Notice of Hearing only)<br><input type="checkbox"/> All creditors and parties in interest<br><input type="checkbox"/> Fewer than all creditors (check at least one below)<br><input type="checkbox"/> Creditors that have filed claims<br><input type="checkbox"/> Creditors holding allowed secured claims<br><input type="checkbox"/> Creditors holding allowed priority unsecured claims<br><input type="checkbox"/> Creditors holding leases or executory contracts that have been assumed<br><input type="checkbox"/> 20 largest creditors<br><input type="checkbox"/> Administrative claimants<br><input checked="" type="checkbox"/> Other party(ies) in interest |
|---|---|

6. **How Service is Accomplished**

A. ☒ **Rule 7004 Service.** (Check at least one, if applicable.)

1. ☐ **First Class Mail**

Service was effected on those persons listed on the attachment by placing a true and correct copy of the document(s) served in a sealed envelope, first class mail, postage prepaid in the United States Postal Service (or in a place designated by the law firm or trustee for outgoing mail prior to the last regular pick up of outgoing mailing for the day) for each of the persons listed below. Fed. R. Bankr. P. 7004(b); 7004(g). A list of the persons served, including their name/capacity to receive service, and address is appended hereto and numbered **Attachment 6A1**.

2. ☒ **Certified Mail**

Service was effected on those persons listed on the attachment by placing a true and correct copy of the document(s) served in a sealed envelope, certified mail, postage prepaid in the United States Postal Service (or in a place designated by the law firm or trustee for outgoing mail prior to the last regular pick up of outgoing mailing for the day) for each of the persons indicated below. Fed. R. Bankr. P. 7004(h). A list of the persons served, including their name/capacity to receive service, and address is appended hereto and numbered **Attachment 6A2**.

3. ☐ **Publication**

Service was effected by publication as ordered by the court and docketed at ECF no. \_\_\_\_\_. Fed. R. Bankr. P. 7004(c). Attestation(s) as to the manner and form of such publication is appended hereto and numbered **Attachment 6A3**.

B. ☒ **Rule 5 and Rules 7005, 9036 Service** (Check at least one, if applicable.)

1. ☐ **Electronic Service on Registered Users of the Court's Electronic Filing System.**

Service on those parties in interest, listed below, will be effected by filing those documents, listed above, with the Clerk of the Court. Fed. R. Bankr. P. 9036, 7005; Fed. R. Civ. P. 5(b). Electronic service on registered users of the electronic filing system is not permitted for pleadings or papers that must be served in accordance with Fed. R. Bankr. P. 7004. A copy of the Clerk's Electronic Service Matrix applicable to this case and/or adversary proceeding is appended hereto and numbered **Attachment 6B1**.

2. ☒ **U.S. Mail**

Service on those parties, listed below, was effected by placing a true and correct copy of the document(s) served in a sealed envelope, first class mail, postage prepaid in the United States Postal Service (or in a place designated by the law firm or trustee for outgoing mail prior to the last regular pick up of outgoing mailing for the day) for each of the persons indicated below. Fed. R. Civ. P. 5(b)(2)(c); Fed. R. Bankr. P. 9014.

a. **Parties in interest**

- ☒ **Clerk's Matrix of Creditors.** A copy of the matrix of creditors maintained by the Clerk of the Court as applicable to this case and/or adversary proceeding is appended hereto and numbered **Attachment 6B2**. Such list shall be downloaded not more than seven days prior to the date of filing of the pleadings and other documents and shall reflect the date of downloading. WARNING: If "raw data format" of the Clerk's Matrix of Creditors is Attachment 6B2, the signer of the Certificate of Service hereby swears that no changes to the matrix have been made except (1) formatting; and/or (2) "X" ing out of person not served. Such list shall be downloaded not more than seven days prior to the date of filing of the pleadings and other documents and shall reflect the date of downloading.

- ☐ **List Other Than the Clerk's Matrix of Creditors.** Where service by U.S. Mail is effected on six or fewer parties in interest, parties may (but need not) use a service list. A copy of the custom service list is appended hereto and numbered **Attachment 6B2**.

- b. ☒ **Request for Special Notice List.** A copy of the Clerk of the Court's matrix of creditors who have filed a Request for Special Notice is appended hereto and numbered **Attachment 6B3**.

- c. ☒ **Other Parties in Interest Checked in Section 5.** A list of the named and addresses of other parties in interest served (if checked in section 5 above) is appended hereto and numbered **Attachment 6B4**.

3. ☐ **Other Methods of Service**

Specify the means of delivery. Fed. R. Civ. P. 5 (b)(2) (A)-(F). A list of those persons so served and the addresses at which they are served is appended hereto and numbered **Attachment 6B5**.

**7. Who Accomplished Service**

**A. Attorney/Trustee (Check as many as apply)**

**Rule 7004 Service**

- ☐ § 6A(1): First Class Mail  
☒ § 6A(2): Certified Mail  
☐ § 6A(3): Publication

**Rule 5 Service**

- ☐ § 6B(1): Elec. Service on Registered e-Filers  
☒ § 6B(2)(a): U.S. Mail  
☒ § 6B(2)(b): Request for Special Notice  
☒ § 6B(2)(c): Other Parties in Interest § 5  
☐ § 6B(3): Other Methods of Service

**B. Third Party Service Provider (Check as many as apply)**

**Rule 7004 Service**

- ☐ § 6A(1): First Class Mail  
☐ § 6A(2): Certified Mail  
☐ § 6A(3): Publication

**Rule 5 Service**

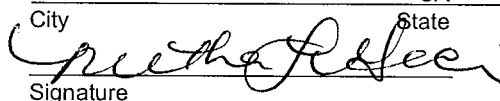
- ☐ § 6B(1): Elec. Service on Registered e-Filers  
☐ § 6B(2)(a): U.S. Mail  
☐ § 6B(2)(b): Request for Special Notice  
☐ § 6B(2)(c): Other Parties in Interest § 5  
☐ § 6B(3): Other Methods of Service

**Attorney/Trustee (includes regularly employed staff members):**

I swear under penalty of perjury that: (1) the representations in Sections 1-5 hereof are true and correct; and (2) I served those parties in interest marked in Section 7A in the manner set forth in the referenced portion of Section 6.

Executed on November 28, 2023, at Fresno CA.

Martha L. Garcia  
 Print Name

City State  
  
 Signature

**Third Party Service Provider (if applicable):**

I am over the age of 18 years and not a party to the above-entitled case. I swear under penalty of perjury that I served those parties in interest marked in Section 7B in the manner set forth in the referenced portion of Section 6.

Executed on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
 City State

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Company Name

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City State Zip Code

Huerta, Roberto and Krystyna - 2023-12433 - Pg. 1 of 1

Citibank, N.A.  
Attn: Sunil Garg, CEO  
5800 S Corporate Place  
Sioux Falls, SD 57108

6A2

Label Matrix for local noticing  
0972-1  
Case 23-12433  
Eastern District of California  
Fresno  
Tue Nov 28 13:42:42 PST 2023

Michael H. Meyer  
PO Box 28950  
Fresno, CA 93729-8950

Office of the U.S. Trustee  
United States Courthouse  
2500 Tulare Street, Room 1401  
Fresno, CA 93721-1326

End of Label Matrix  
Mailable recipients 2  
Bypassed recipients 0  
Total 2

6B2



**Attachment 6B3**

**Request for Special Notice Filed**

**Case Name: Roberto Huerta and Krystyna Maria Martinez**

**Case Number: 23-12433**

**Date: 11/28/2023 1:25 PM**

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Lakeview Loan Servicing, LLC  
Aldridge Pite, LLP  
8880 Rio San Diego Dr #725  
San Diego, CA 92108

AmeriCredit Financial Services, Inc.  
PO Box 183853  
Arlington, TX 76096

6B3

Huerta, Roberto and Krystyna - 2023-12433 - Pg. 1 of 1

Department Stores National Bank  
c/o Nicholas Mortl, Esq.  
Fowler Law Group, PC  
11845 W Olympic Blvd Ste 710  
Los Angeles, CA 90064

Department Stores National Bank Macys  
Bankruptcy Processing  
PO Box 8053  
Mason, OH 45040

Department Stores National Bank Macys  
c/o Donald Sherrill, Esq.  
Hunt & Henriques Attorney at Law  
7017 Realm Dr  
San Jose, CA 95119

6234





## The State Bar of California

**Nicholas Patrick Mortl #337745**

**License Status: Active**

Address: Fowler Law Group, 11845 West Olympic Blvd, Suite 710, Los Angeles, CA 90064

Phone: 310-446-3900 | Fax: Not Available

Email: nmortl@fowlerlawgroup.com | Website: Not Available

More about This Attorney ▼

### All changes of license status due to nondisciplinary administrative matters and disciplinary actions.

| Date      | License Status ⓘ                        | Discipline ⓘ | Administrative Action ⓘ |
|-----------|---|--------------|-------------------------|
| Present   | Active                                  |              |                         |
| 6/18/2021 | Admitted to the State Bar of California |              |                         |

### Additional Information:

- About the disciplinary system

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# The State Bar of California

Donald Sherrill #266038  
License Status: Active

Address: Hunt & Henriques, LLP, 7017 Realm Dr, San Jose, CA 95119-1321  
Phone: 408-677-5822 | Fax: Not Available  
Email: DSherrill@hunthenriques.com | Website: Not Available

More about This Attorney ▼

All changes of license status due to nondisciplinary administrative matters and disciplinary actions.

| Date      | License Status ⓘ                        | Discipline ⓘ | Administrative Action ⓘ |
|-----------|---|--------------|-------------------------|
| Present   | Active                                  |              |                         |
| 12/4/2009 | Admitted to the State Bar of California |              |                         |

- Additional Information:
- About the disciplinary system

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Case Information

22CECL02165 | Department Stores National Bank vs. Roberto Huerta

|             |                            |             |
|-------------|----------------------------|-------------|
| Case Number | Court                      |             |
| 22CECL02165 | Civil                      |             |
| File Date   | Case Type                  | Case Status |
| 04/08/2022  | 09 Limited - Rule 3.740    | Judgment    |
|             | Collections Under \$10,000 |             |

Party


|                                 |                    |
|---------------------------------|--------------------|
| Plaintiff                       | Active Attorneys ▼ |
| Department Stores National Bank | Lead Attorney      |
|                                 | Mortl, Nicholas    |
|                                 | Retained           |

Defendant  
Huerta, Roberto

Disposition Events

- 10/12/2022 Judgment ▼
- 10/10/2022- Default Judgement

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# Department Stores National Bank



## Institution Details

Data as of 11/24/2023



### Institution Closed

Merged or acquired on 07/01/2022  
without government assistance

**FDIC Cert #**  
58180

**Established**  
10/24/2005

**Bank Charter Class**  
National Banks, member of the Federal  
Reserve Systems (FRS)

**Primary Federal Regulator**  
Comptroller of the Currency

**Secondary Federal Regulator**  
CFPB

**Main Office Address**  
5800 S Corporate Pl  
Sioux Falls, SD 57108

**Financial Information**  
[Create financial reports for this institution](#)

**Consumer Assistance**  
[HelpWithMyBank.gov](#)

**Contact the FDIC**  
[Questions about Bank Information](#)

## Succeeding Institution

**Citibank, National Association**  
Cert - 7213



**FDIC Insured**  
Since 01/01/1934

[Click to View Succeeding Institution](#)

See the succeeding institution for more information.

Get additional detailed information by selecting from the following:

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[History](#)

[Institution Profile](#)

[Other Names](#)

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# Citibank, National Association



## Institution Details

Data as of 11/24/2023



FDIC Insured  
Since 01/01/1934

**FDIC Cert #**  
7213

**Established**  
06/16/1812

**Bank Charter Class**  
National Banks, member of the Federal Reserve Systems (FRS)

**Primary Federal Regulator**  
Comptroller of the Currency

**Secondary Federal Regulator**  
CFPB

**Main Office Address**  
5800 S Corporate Pl  
Sioux Falls, SD 57108

**Primary Website**  
[www.citibank.com](http://www.citibank.com)

**Locations**  
668 domestic locations: 13 states and 1 territory.  
281 in foreign locations.

**Financial Information**  
[Create financial reports for this institution](#)

**Consumer Assistance**  
[HelpWithMyBank.gov](http://HelpWithMyBank.gov)

**Contact the FDIC**  
[Questions about Bank Information](#)

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Institution Profile

Other Names

949 Branch Offices

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Page #

Go

Address

Citibank,  
5800 S  
Corporate Pl

Full Service



# Sunil Garg

## CEO of Citibank, N.A. and Head of North America

Sunil Garg is CEO of Citibank, N.A., which is Citi's primary banking entity with branches and subsidiaries in 95 countries and territories. Citibank, N.A. accounts for 75 percent of Citigroup's total assets. He is also Head of Citi's North America activities, overseeing the United States and Canada markets. He is a member of Citi's Executive Management Team.

Sunil joined Citi in May 1988 as a Management Associate in India and has worked in India, Singapore, Malaysia and the United States during his tenure. He has worked in several roles across

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